

ZONING CODE

TITLE 1 DEFINITIONS; GENERAL PROVISIONS

SUBTITLE 1. DEFINITIONS

§ 1-101. In general.

In this article, the following terms have the meanings indicated.

§ 1-102. Accessory use or structure.

“Accessory use” or “accessory structure” means a use or structure, respectively, that:

- (1) serves and customarily is incidental and subordinate to the principal use or structure;
- (2) is subordinate in area, extent, or purpose to the principal use or structure;
- (3) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served; and
- (4) except in a planned unit development, is located on the same lot as the principal use or structure served.

§ 1-103. Adjacent.

“Adjacent” means lying near or close to, in the neighborhood or vicinity of.

§ 1-104. Adjoining.

“Adjoining” means touching, as distinguished from adjacent.

§ 1-105. Adult.

“Adult” means an individual who is 18 years old or older.

§ 1-106. Adult-entertainment business.

(a) *Supplemental terms defined.*

(1) *In general.*

In this section, the following terms have the meanings indicated.

(2) *Adult entertainment.*

“Adult entertainment” means entertainment:

- (i) in which individuals appear for public view in a state of nudity or partial nudity;

- (ii) that is intended to provide sexual stimulation or sexual gratification;
- (iii) that is distinguished or characterized by an emphasis on material that depicts, describes, or relates to:
 - (A) human genitals in a discernible state of sexual stimulation or arousal; or
 - (B) acts of human masturbation, sexual intercourse, sodomy, or physical contact with an individual's clothed or unclothed genitals, pubic area, buttocks, or, if the individual is female, breast; or
- (iv) that, applying contemporary standards, the average individual would find, taken as a whole, appeals to the prurient interest.

(3) *Nudity.*

“Nudity” means:

- (i) the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;
- (ii) the showing of the female breast with less than a fully opaque covering over any part below the top of the nipple; or
- (iii) the depiction of covered male genitals in a discernibly turgid state.

(4) *Partial nudity.*

“Partial nudity” means a state of dress in which opaque clothing covers no more than:

- (i) the human male or female genitals, pubic area, or buttocks;
- (ii) the female breasts below the top of the nipples; and
- (iii) portions of the body covered by supporting straps or devices.

(b) *“Adult-entertainment business” defined.*

“Adult-entertainment business” means any cabaret, lounge, night club, modeling studio, or other establishment whose major business is offering its customers adult entertainment.

§ 1-107. After-hours establishment.

(a) *In general.*

“After-hours establishment” means any banquet hall, dance hall, meeting hall, private club or lodge, or similar place that remains open after 2 a.m. on any day.

(b) *Restaurants with live entertainment, etc.*

“After-hours establishment” includes a restaurant that provides live entertainment or dancing and remains open after 2 a.m. on any day.

§ 1-108. Alley.

“Alley” means a way, other than a street, that:

- (1) is open to common use; and
- (2) affords a secondary means of vehicular access to adjoining or adjacent property.

§ 1-109. Amusement arcade.

“Amusement arcade” means a building in which 6 or more amusement devices are maintained.

§ 1-110. Amusement device.

(a) *In general.*

“Amusement device” means, except as specified in subsection (c) of this section, any electronic or mechanical device that is designed to provide amusement and for which a fee is charged to operate or use.

(b) *Illustrations.*

“Amusement device” includes any video game, electronic game, claw machine, bowling machine, pinball machine, shuffleboard machine, pool table, console machine, target machine, baseball machine, or similar device.

(c) *Exclusions.*

“Amusement device” does not include any:

- (1) peep show device;
- (2) music box; or
- (3) bona fide vending machine in which amusement features are not incorporated or made a part.

§ 1-111. Apartment hotel.

“Apartment hotel” means a building:

- (1) that contains 10 or more dwelling units; and
- (2) in which more than 60% of the accommodations are rented and occupied or intended to be rented or occupied on a monthly or longer basis.

§ 1-112. Artisans' and craft work.

“Artisans’ and craft work” means work produced by painters, sculptors, potters, carvers, and others engaged in the creation of handcrafts and art objects.

§ 1-113. Automatic teller machine.

“Automatic teller machine” means any manned or unmanned electronic machine (and the structure housing it) that enables a customer to:

- (1) withdraw money from an account or under an authorized line of credit with a financial institution;
- (2) transfer money from one account with a financial institution to any other account with the financial institution; or
- (3) deposit money into an account with a financial institution.

§ 1-114. Automobile.

“Automobile” means a passenger car, station wagon, or multipurpose passenger vehicle, as these terms are defined or used in the Maryland Vehicle Law, Title 11 et seq. of the State Transportation Article.

§ 1-115. Bed and breakfast establishment.

“Bed and breakfast establishment” means an establishment:

- (1) that is used both for a private residence and to provide lodging;
- (2) in which no more than 10 guest rooms are available to transient visitors; and
- (3) in which breakfast is the only meal served and is included in the charge for the room.

§ 1-116. Bed and breakfast home.

“Bed and breakfast home” means a single-family dwelling:

- (1) that is owner-occupied;
- (2) that is used primarily as a home, but also to provide lodging;
- (3) in which no more than 3 guest rooms are available to transient visitors; and
- (4) in which breakfast is the only meal served and is included in the charge for the room.

§ 1-117. Block.

“Block” means the land adjoining one side of a street between two consecutive junctions of that street with other streets or with railway rights-of-way or waterways that cross or meet that side of the

street.

§ 1-118. Board.

“Board” means the Board of Municipal and Zoning Appeals of Baltimore City.

§ 1-119. Book store: general.

“Book store: general” means any book or magazine store or similar establishment that is not an adult book or video store.

§ 1-120. Book or video store: adult.

(a) *Supplemental terms defined.*

(1) *In general.*

In this section, the following terms have the meanings indicated.

(2) *Harmful to minors.*

“Harmful to minors” means the quality of representation of nudity, sadomasochistic abuse, sexual conduct, or sexual excitement that:

- (i) predominantly appeals to the prurient, shameful, or morbid interest of young individuals;
- (ii) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for young individuals; and
- (iii) is utterly without redeeming social importance for young individuals.

(3) *Nudity.*

“Nudity” means:

- (i) the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;
- (ii) the showing of the female breast with less than a fully opaque covering of any part below the top of the nipple; or
- (iii) the depiction of covered male genitals in a discernibly turgid state.

(4) *Sadomasochistic abuse.*

“Sadomasochistic abuse” means:

- (i) flagellation or torture by or upon an individual clothed in undergarments,

ZONING

mask, or bizarre costume; or

- (ii) the condition of being fettered, bound, or otherwise physically restrained on the part of one who is so clothed.

(5) *Sexual conduct.*

“Sexual conduct” means acts of masturbation, sexual intercourse, sodomy, or physical contact with an individual’s clothed or unclothed genitals, pubic area, buttocks or, if the individual is female, breast.

(6) *Sexual excitement.*

“Sexual excitement” means the condition of human genitals in a discernable state of sexual stimulation or arousal.

(b) *“Book or video store: adult” defined.*

“Book or video store: adult” means a place of activity the principal use of which is to sell, transfer, or disseminate sexually explicit material, including the following:

- (1) any picture, photograph, drawing, sculpture, video, or similar visual representation or image of an individual or part of the human body that:

- (i) depicts nudity, sadomasochistic abuse, sexual conduct, or sexual excitement; and
 - (ii) is harmful to minors; or

- (2) any book, pamphlet, magazine, printed matter however reproduced, or sound recording that:

- (i) contains any matter enumerated in paragraph (1) of this subsection or any explicit and detailed verbal descriptions or narrative accounts of sadomasochistic abuse, sexual conduct, or sexual excitement ; and
 - (ii) taken as a whole, is harmful to minors.

§ 1-121. Building.

“Building” means all or any part of a structure that is:

- (1) covered;
- (2) affixed to the land; and
- (3) built for the enclosure of people, animals, chattels, movable property, or operations of any kind.

§ 1-122. Business establishment.

“Business establishment” means a place of business carrying on an operation that is physically separate and distinct from any other place of business.

§ 1-123. Car wash.

(a) *In general.*

“Car wash” means a structure that:

- (1) contains facilities for washing or cleaning automobiles or other motor vehicles; and
- (2) uses production-line methods with a chain conveyor, blower, sprayer, steam-cleaning device, or other mechanical device.

(b) *Self-service.*

“Car wash” includes self-service, coin-operated motor vehicle washing equipment, whether or not located within a structure, unless that equipment is accessory and clearly subordinate to a related principal use such as a gasoline service station.

§ 1-124. Central business district.

“Central business district” means that area of the City that lies within the following boundaries:

Beginning at Howard Street and North Avenue, thence easterly along North Avenue to Maryland Avenue, thence northerly to 20th Street, thence easterly to Lovegrove Alley, thence southerly to Lafayette Avenue, thence easterly to Guilford Avenue, thence southerly to the Fallsway, thence southerly along the Fallsway to the end of East Falls Avenue, thence in a southwesterly extension to the intersection of Montgomery Street and Battery Avenue, thence westerly along Montgomery Street to Hanover Street, thence southerly to Henrietta Street, thence northwesterly to Montgomery Street, thence southwesterly to Fremont Avenue, thence northwesterly to Lexington Street, thence easterly to Myrtle Avenue, thence northerly to Biddle Street, thence northeasterly to Howard Street, thence northerly to the point of beginning.

§ 1-125. City Code.

“City Code” means:

- (1) the 1976/83 Edition of the Baltimore City Code; and
- (2) the Revised Code of Baltimore City.

§ 1-126. Clinic: medical or dental.

“Clinic: medical or dental” means a building the principal use of which is for offices of physicians or dentists for the examination and treatment of people on an out-patient basis.

§ 1-127. Club or lodge: private.

(a) *In general.*

“Club or lodge: private” means a club or lodge that:

ZONING

- (1) has a limited membership elected pursuant to its charter or bylaws;
- (2) excludes the general public from its premises or place of meeting;
- (3) is organized with officers and directors; and
- (4) holds all property for the common benefit of its members.

(b) *Exclusions.*

“Club or lodge: private” does not include an establishment that permits nonmembers to pay a temporary membership fee at the door in order to enter and use the premises.

§ 1-128. Community correction center.

“Community correction center” means a facility:

- (1) that provides community-oriented treatment services to individuals under the jurisdiction of an agency in the criminal justice system; and
- (2) to which only individuals classified as minimum security are assigned and allowed to participate in work-release, educational release, individual, group, or family counseling, recreation, pre-release orientation, and community involvement.

§ 1-129. Convalescent, nursing, or rest home.

(a) *In general.*

“Convalescent, nursing, or rest home” means a home in which 3 or more people who are aged, chronically ill, infirm, incurable, or suffering bodily disorders are housed and provided with food and care.

(b) *Exclusions.*

“Convalescent, nursing, or rest home” does not include any hospital, clinic, or similar institution devoted primarily to the diagnosis and treatment of disease and injury, maternity cases, or mental illness.

§ 1-130. {Reserved}

§ 1-131. Day care home: family.

“Day care home: family” means a facility that:

- (1) is registered with the State Department of Human Resources as a family day care home; and
- (2) provides care to no more than 8 children.

§ 1-132. Day nursery.

“Day nursery” means any facility that, at any 1 time during the day or night, whether for compensation, reward, or otherwise, receives 2 or more children not of common parentage for temporary guardianship and nursery care while their parents or guardians are engaged in other activities.

§ 1-133. Dentist.

“Dentist” means an individual authorized by law to practice dentistry in the State of Maryland.

§ 1-134. Dog or cat kennel: private.

(a) *In general.*

“Dog or cat kennel: private” means any premises where 3 or more dogs or cats over 6 months old are boarded or maintained for noncommercial purposes.

(b) *Commercial establishments excluded.*

“Dog or cat kennel: private” does not include any establishment:

- (1) for the commercial breeding of dogs or cats; or
- (2) where dogs or cats are boarded, groomed, sold, or trained for a fee.

§ 1-135. Drive-in establishment.

(a) *In general.*

“Drive-in establishment” means a business establishment at which patrons are able to make purchases, transact business, or view motion pictures or other entertainment while occupying automobiles.

(b) *Establishments selling prepared food.*

“Drive-in establishment” includes a restaurant or other business establishment that sells prepared food for immediate consumption if:

- (1) parking or pickup drives are located on the premises; and
- (2) either:
 - (i) wait-staff service is not provided or is provided only incidentally to the primary service of selling food from a counter or window;
 - (ii) tables for the consumption of food within the premises are not provided or are provided only incidentally; or
 - (iii) any food sold is packaged to facilitate its consumption at places other than within

the structure.

§ 1-136. Dwelling.

(a) *In general.*

“Dwelling” means a building or part of a building used for residential occupancy.

(b) *Exclusions.*

“Dwelling” does not include an apartment hotel, hotel, rooming house, trailer, or mobile home.

(c) *Types of dwellings.*

The following are the types of dwellings:

(1) *Attached dwelling*: a dwelling that is joined to another dwelling at 1 or more sides by an approved party wall or walls.

(2) *Detached dwelling*: a dwelling that is surrounded on all sides by yards on the same lot.

(3) *Multiple-family dwelling*: a dwelling that contains 2 or more dwelling units.

(4) *Semi-detached dwelling*: a dwelling that is:

- (i) joined to another dwelling at only 1 side by an approved party wall; and
- (ii) otherwise surrounded by yards on the same lot.

(5) *Single-family dwelling*: a dwelling that contains only 1 dwelling unit.

§ 1-137. Dwelling unit.

“Dwelling unit” means 1 or more rooms in a dwelling that:

- (1) are used as living quarters for occupancy by 1 family; and
- (2) contain permanently installed bathroom and kitchen facilities reserved for the occupants of the room or rooms.

§ 1-138. Efficiency unit.

“Efficiency unit” means a dwelling unit that consists of 1 principal room, exclusive of:

- (1) a bathroom;
- (2) a kitchen;
- (3) a hallway;

(4) closets; and

(5) a dining alcove that:

(i) is directly off the principal room, and

(ii) does not exceed 125 square feet in floor area.

§ 1-139. Enclosed structure.

“Enclosed structure” means a structure that is separated on all sides from the adjoining yards or other open space, or from other structures, by exterior walls or approved party walls pierced only by normal windows and doors.

§ 1-140. Erect.

“Erect” means:

(1) to construct, reconstruct, or move a structure on a lot; or

(2) to excavate, fill, drain, or conduct physical operations of any kind in preparation for or while undertaking the construction, reconstruction, or moving of a structure on a lot.

§ 1-141. Expand.

“Expand” means to enlarge, expand, extend, or add to.

§ 1-142. Family.

(a) *In general.*

“Family” means one of the following, together with usual household helpers:

(1) an individual;

(2) 2 or more people related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or

(3) a group of not more than 4 people, who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

(b) *Roomers included.*

“Family” includes, with respect to those listed in subsection (a)(1) or (2) only, up to 2 roomers within the dwelling unit, as long as:

(1) they share a common entrance and cooking and bathroom facilities; and

(2) in the case of a multiple-family dwelling, no more than 2 roomers are in the entire

ZONING

dwelling, regardless of the number of dwelling units.

(c) *Exclusions.*

In no case, does more than 4 unrelated people, a rooming house, a hotel, or a fraternity or sorority house constitute a family.

§ 1-143. Firearm.

“Firearm” means any handgun, rifle, or shotgun, as defined in State Code Article 27, § 36F.

§ 1-144. Floor area.

“Floor area” means:

- (1) for purposes of determining floor area ratio, the area specified in § 1-302 {“Floor area, for determining floor area ratio”} of this title;
- (2) for purposes of determining “gross floor area”, the area specified in § 1-304 {“Gross floor area”} of this title; and
- (3) for purposes of determining parking requirements, the area specified in § 10-401 {“Floor area for determining requirements”} of this article.

§ 1-145. Floor area ratio; FAR.

“Floor area ratio” means the factor determined and applied as specified in § 1-303 {“Floor area ratio”} of this title.

§ 1-146. Gasoline service station.

“Gasoline service station” means any premises or structure:

- (1) that is used for the retail sale of motor vehicle fuels, oils, and accessories; and
- (2) at which:
 - (i) repair service is incidental; and
 - (ii) no alcoholic beverages are sold.

§ 1-147. {Reserved}

§ 1-148. Heliport.

(a) *In general.*

“Heliport” means a designated landing area for discharging or picking up passengers or goods by helicopter or similar vertical lift aircraft.

(b) *Inclusions.*

“Heliport” includes terminal facilities for passengers, goods, aircraft servicing, or storage.

§ 1-149. Helistop.

“Helistop” means a designated landing area or touchdown pad used or intended for the landing and take-off of helicopters or similar vertical lift aircraft.

§ 1-150. Home occupation.

“Home occupation” means an occupation or profession:

- (1) that is customarily conducted by a member of the family that resides on the premises; and
- (2) in connection with which:
 - (i) no sign appears on the premises, other than a nameplate as permitted in § 11-316 {“Nameplates”} of this article;
 - (ii) no exterior display indicates that the building is being used, in whole or in part, for any purpose other than that of a dwelling;
 - (iii) no commodity is sold on the premises;
 - (iv) no one is employed on the premises other than a family member who resides on the premises; and
 - (v) no mechanical or electrical equipment is used on the premises except that which is normally used for purely domestic or professional purposes.

§ 1-151. Housing for the elderly.

(a) *In general.*

“Housing for the elderly” means a residential building:

- (1) that contains 10 or more dwelling units specifically designed for the needs, use, and occupancy of people who are 60 years old or older or who are disabled;
- (2) in which the only occupants other than those 60 years old or older or disabled are spouses, caretakers, or similar individuals; and
- (3) in which no more than 10% of the occupied units contain spouses, caretakers, or similar individuals who are neither 60 years old or older nor disabled.

(b) *Inclusions.*

ZONING

“Housing for the elderly” may contain medical and dental offices as an accessory use primarily for the occupants of the building.

§ 1-152. Includes; including.

“Includes” or “including” means by way of illustration and not by way of limitation.

§ 1-153. Industrial trade school.

“Industrial trade school” means a school devoted to teaching a trade that is based on familiarity with tools and machinery, including automotive mechanics, automotive painting, machine making and repairing, welding, and truck driving.

§ 1-154. Lot.

(a) *In general.*

“Lot” means a portion of land that:

- (1) is a lot of record; or
- (2) has been established as a lot by an approved subdivision plat.

(b) *Types of lots.*

The following are the types of lots:

- (1) *Interior lot*: a lot that is not a street corner lot.
- (2) *Street corner lot*: a lot that:
 - (i) is located at the intersection of two streets where the interior angle of the intersection does not exceed 135°; or
 - (ii) adjoins a curved street where the tangents to the curve at the points of intersection intersect at an interior angle that does not exceed 135°.

§ 1-155. Lot area.

“Lot area” means the area of a horizontal plane bounded by lot lines.

§ 1-156. Lot line.

(a) *In general.*

“Lot line” means a line bounding a lot.

(b) *Types of lot lines.*

The following are the types of lot lines:

(1) *Front lot line*: the lot line that:

- (i) coincides with the right-of-way line of an existing or dedicated public street; or
- (ii) where no public street exists, coincides with the right-of-way line of a public or private way that, if it is not a dedicated street, is:

(A) at least 50 feet wide, unless otherwise authorized by the Planning Commission under § 2-123 of this article; or

(B) if limited exclusively to pedestrian traffic, at least 30 feet wide, unless otherwise authorized by variance.

(2) *Rear lot line*: the lot line that is most distant from and is opposite the front lot line.

(3) *Side lot line*: any lot line that is neither a front lot line nor a rear lot line.

§ 1-157. Marina.

(a) *In general.*

“Marina” means any facility designed to moor, berth, launch or store 5 or more water craft, whether as a principal use or an accessory use.

(b) *Types of marinas.*

The following are the types of marinas:

- (1) *Accessory marina*: any marina for recreational water craft that is used exclusively for the benefit of the occupants of properties within 300 feet of a marina entrance.
- (2) *Dry storage marina (boatel)*: any marina with waterfront access that is designed or used for the dry storage of recreational water craft in racks or other storage systems.
- (3) *Industrial marina (boat repair facility)*: any facility with 5 or more slips (wet or dry) that is constructed solely for the manufacture, assembly, or repair of commercial water craft less than 120 feet long or recreational water craft.
- (4) *Recreational boat launch/tie up marina*: a designated area at which recreational water craft may be launched or at which transient (for less than 1 week at a time) water craft may tie up, be launched, or have repairs made.
- (5) *Recreational marina*: any facility that provides for the lease or purchase of 5 or more in-water moorings or wet slips for recreational water craft.

§ 1-158. Marina entrance.

ZONING

“Marina entrance” means the point or points where pedestrian access is provided from the land to the marina docks.

§ 1-159. Massage therapist’s office.

“Massage therapist’s office” means a location at which massage therapy is practiced only by individuals certified by the State Board of Chiropractic Examiners.

§ 1-160. Master Plan.

“Master Plan” means the maps, plats, charts, and descriptive matter adopted by the Planning Commission under Article VII, § 74 of the City Charter.

§ 1-161. Minor.

“Minor” means an individual under the age of 18.

§ 1-162. Motor vehicle.

“Motor vehicle” has the meaning stated in §11-135 of the State Transportation Article.

§ 1-163. Multi-purpose neighborhood center.

(a) In general.

“Multi-purpose neighborhood center” means a building or a group of buildings used, in whole or in part, for 2 or more governmental or community services, such as health, day care, recreation, legal aid, social services, education, and employment counseling.

(b) Inclusions.

“Multi-purpose neighborhood center” includes Mayor’s Stations.

§ 1-164. {Reserved}

§ 1-165. Noncomplying structure.

“Noncomplying structure” has the meaning stated in § 13-101 {“Nonconformance: Definitions”} of this article.

§ 1-166. Nonconforming use.

“Nonconforming use” has the meaning stated in § 13-101 {“Nonconformance: Definitions”} of this article.

§ 1-167. Nonprofit.

“Nonprofit” means organized and operated exclusively for educational, social, fraternal, patriotic, political, athletic, or charitable purposes, with no part of its net income inuring to the benefit of any

shareholder or individual.

§ 1-168. Nursery school.

“Nursery school” means any facility that:

- (1) offers or supplies an educational program to children; and
- (2) adheres to the requirements of and is approved by the State Department of Education.

§ 1-169. Parole and probation field office.

“Parole and probation field office” means an office that is:

- (1) under the jurisdiction of the State Division of Parole and Probation; and
- (2) staffed by parole agents who supervise and investigate parolees and probationers.

§ 1-170. Pawnshop.

“Pawnshop” means a place of business of a person who engages in:

- (1) lending money on the deposit or pledge of personal property or other valuable thing, other than securities or printed evidences of indebtedness; or
- (2) purchasing personal property or other valuable things on condition of selling them back at a stipulated price.

§ 1-171. Peep show device.

(a) *In general.*

“Peep show device” means any device operated for commercial purposes in which:

- (1) motion picture or slide films are projected or viewed on a screen or through a viewer; or
- (2) viewed images are exhibited by means of the projection of internal electronic reflection of motion picture or slide films.

(b) *Exclusions.*

“Peep show device” does not include a television receiver that reflects externally transmitted images.

§ 1-172. Peep show establishment.

(a) *In general.*

“Peep show establishment” means a building that contains 1 or more peep show devices.

(b) *Exclusions.*

“Peep show establishment” does not include a theater for the production and viewing of performing arts or cinema productions, as described in § 303.2 of the Baltimore City Building Code.

§ 1-173. Permanent open space.

“Permanent open space” means a land area the use of which is limited, by recorded covenant, as follows:

- (1) the land area is used solely for educational, recreational, or similar purposes;
- (2) the land area is devoted to providing open space for the permanent use and enjoyment of:
 - (i) the public; or
 - (ii) in the case of a planned unit development:
 - (A) the public; or
 - (B) residents and occupants of the planned unit development; and
- (3) the only structures on the land area:
 - (i) are accessory and incidental to the purpose for which the open space is created and designed and contribute to or further that purpose; and
 - (ii) cover no more than 10% of the land area.

§ 1-174. Person.

(a) *In general.*

“Person” means:

- (1) an individual;
- (2) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; and
- (3) a partnership, firm, association, corporation, or other entity of any kind.

(b) *Inclusions.*

“Person” includes, except as used in Title 17, Subtitle 5 {“Criminal penalties”} of this article, a governmental entity or an instrumentality or unit of a governmental entity.

§ 1-175. Physician.

“Physician” means an individual authorized by law to practice medicine in the State of Maryland.

§ 1-176. Premises.

“Premises” means all or any part of any premises.

§ 1-177. Principal use or structure.

“Principal use” or “principal structure” means the main use of land or of a structure or the main structure, respectively, as distinguished from an accessory use or accessory structure.

§ 1-178. Private pier.

“Private pier” means facilities with 4 or fewer slips designed and used exclusively for private, recreational purposes by the owner.

§ 1-179. Recreational facility: indoor.

“Recreational facility: indoor” means an enclosed structure that houses recreational uses, such as a sports center, kiddie park, miniature golf course, batting cages, or similar recreational uses, but not gun ranges.

§ 1-180. Recreational facility: outdoor.

“Recreational facility: outdoor” means a designated area for recreational uses, such as a golf driving range, archery range, miniature golf course, kiddie park, batting cages, or similar recreational uses, but not gun ranges.

§ 1-181. Recyclable materials recovery facility.

“Recyclable materials recovery facility” means a facility:

(1) that collects, sorts, grades, or processes recyclable materials, including:

- (i) paper (including corrugated boxes, high grade paper, and newspapers);
- (ii) cans (aluminum, bi-metal, or tin);
- (iii) aluminum scrap;
- (iv) non-ferrous metal (copper, brass, zinc, lead, or tin);
- (v) glass bottles; and
- (vi) plastics; and

(2) at which:

ZONING

- (i) the processing is limited to pressing, crushing, cutting, baling, and other preparations of materials for shipping;
- (ii) except as otherwise expressly specified, all operations are performed within the confines of an enclosed building;
- (iii) no ferrous metals are accepted;
- (iv) no retail sales are made; and
- (v) all loading and unloading is performed:
 - (A) within the confines of an enclosed building; or
 - (B) within an area effectively screened by a masonry wall or by a combination of a masonry wall and a durable fence at least 8 feet high, together with a planting strip on the outside of that wall or fence.

§ 1-182. Recycling collection station.

“Recycling collection station” means a receptacle, usually a trailer or roll-off, located on a hard surface:

- (1) for collecting recyclable materials, including:
 - (i) paper (including corrugated boxes, high grade paper, and newspapers);
 - (ii) cans (aluminum, bi-metal, or tin);
 - (iii) aluminum scrap;
 - (iv) non-ferrous metal (copper, brass, zinc, lead, or tin);
 - (v) glass bottles; and
 - (vi) plastics; and
- (2) at which:
 - (i) no mechanical processing or shredding is done on site;
 - (ii) no ferrous metals are accepted; and
 - (iii) if the station has an attendant present to purchase recyclable materials, no copper, brass, tin, zinc, or lead is accepted.

§ 1-183. Revised Code.

“Revised Code” means the unnumbered revised articles of the City Code.

§ 1-184. Roomer.

“Roomer” means an individual who:

- (1) occupies a room with a family in a dwelling unit; or
- (2) occupies a rooming unit for compensation.

§ 1-185. Rooming house.

(a) *In general.*

“Rooming house” means an establishment that:

- (1) contains rooming units for the accommodation of 3 or more individuals; and
- (2) rents these units to individuals on a daily, weekly, or monthly basis.

(b) *Meals irrelevant.*

“Rooming house” includes an establishment described in subsection (a) of this section, whether or not it provides meals.

§ 1-186. Rooming unit.

(a) *In general.*

“Rooming unit” means a room or suite of rooms in a house or other building that is rented as living and sleeping quarters, but without cooking facilities.

(b) *Suite of rooms.*

In a suite of rooms, each room that provides sleeping accommodations is counted as 1 rooming unit for purposes of this article.

§ 1-187. Service and housing center.

(a) *In general.*

“Service and housing center” means a facility for the transitional housing of 25 or more people.

(b) *Inclusions.*

“Service and housing center” includes a facility described in subsection (a) that provides, as a component of its overall program:

- (1) counseling, education, job training, or related services as an accessory use; or

- (2) longer term housing.

§ 1-188. Shipyard.

“Shipyard” means any facility or area designed or used for the manufacture, assembly, or repair of ships, barges, or boats.

§ 1-189. Sign.

(a) *In general.*

“Sign” means any writing (including letter, word, or numeral), pictorial representation (including illustration or graphic), emblem (including symbol or trademark), flag (including banner or pennant), device, or any other figure of similar character that:

- (1) is a structure or is attached to, painted on, or in any other way represented on a building, window (including anything affixed to the interior and displayed within 12 inches of a window), or other structure;
- (2) is used to announce, direct attention, or advertise; and
- (3) is visible from outside a building.

(b) *Exclusions.*

“Sign” does not include any writing, representation, emblem, flag, device, or other figure of similar character that is wholly within a building, except as otherwise specified in subsection (a)(1) of this section.

(c) *Types of signs.*

The specific types of signs are as described in § 11-101 {“Sign Regulations: Definitions”} of this article.

§ 1-190. Street.

“Street” means any way that:

- (1) is open to common use; and
- (2) affords the principal means of vehicular access to adjoining or adjacent property.

§ 1-191. Street line.

“Street line” means a street right-of-way line that coincides with a lot line.

§ 1-192. Structural alteration.

“Structural alteration” means:

(1) a change in the permanent physical members of a structure, such as bearing walls, columns, beams, or girders; or

(2) any substantial change in the roof or in the exterior walls.

§ 1-193. Structure.

(a) *In general.*

“Structure” means all or any part of anything erected that:

(1) has a fixed location on the ground; or

(2) is attached to something having a fixed location on the ground.

(b) *Inclusions.*

“Structure” includes any building, fence, wall, sign, or tower.

§ 1-194. Substance abuse treatment center.

“Substance abuse treatment center” means a facility that provides and represents or advertises itself as providing:

(1) nonresidential counseling, treatment, care, medication, or rehabilitation for individuals who show the effects of substance abuse; or

(2) transportation of individuals for the purpose of substance treatment, care, medication, or rehabilitation.

§ 1-195. Travel trailer.

“Travel trailer” means a vehicular, portable structure that is:

(1) built on a chassis and designed as a temporary dwelling for travel, recreational, or vacation uses; or

(2) permanently identified “travel trailer” by the manufacturer.

§ 1-196. Use.

(a) *In general.*

“Use” means:

(1) any purpose for which a building, other structure, or tract of land can be used or occupied;
and

ZONING

- (2) any activity, occupation, business, or operation that is carried on or intended to be carried on in a building or other structure or on a tract of land.

(b) *Types of use.*

The specific types of use are as described in Title 3, Subtitle 1 {“Use Regulations”} of this article.

§ 1-197. Wholesale establishment.

“Wholesale establishment” means a business establishment that is engaged in selling goods, merchandise, or commodities to retailers and others for resale, regardless of whether retail sales are made in addition to wholesale sales.

§ 1-198. Yard (required).

(a) *In general.*

“Yard”, when used with respect to required yards, means the space on a lot that, except only for the obstructions permitted by § 3-209 {“Projections and obstructions into required yards”} of this article and the applicable district regulations, is open and unobstructed from ground level to the sky.

(b) *Types of yards.*

The following are the types of yards:

- (1) *Front yard*: a yard that extends along the full length of a front lot line and back to a line drawn parallel with that front lot line at a distance equal to the required front yard.
- (2) *Interior side yard*: a side yard that adjoins:
 - (i) another lot; or
 - (ii) an alley separating the side yard from another lot.
- (3) *Rear yard*: a yard that extends along the full length of a rear lot line and back to a line drawn parallel with that rear lot line at a distance equal to the required rear yard.
- (4) *Side yard*: a yard that extends along a side lot line to a line drawn parallel with that side lot line at a distance equal to the required side yard.
- (5) *Street corner side yard*: a side yard that adjoins a street.

SUBTITLE 2. RULES OF CONSTRUCTION

§ 1-201. In general.

In interpreting and applying this article, the following rules of construction apply.

§ 1-202. Article not a permit.

Nothing in this article may be taken to be a consent, license, or permit to:

- (1) use any property;
- (2) locate, erect, or maintain any structure or facility; or
- (3) carry on any trade, industry, occupation, or activity.

§§ 1-203 to 1-204. {Reserved}

§ 1-205. Captions or headings.

The captions or headings of the various sections and subsections:

- (1) are for convenience of reference only, intended to summarize the statutory provisions that follow; and
- (2) are not law and are not to be taken as affecting the meaning or effect of the law.

§ 1-206. Conflicting provisions.

- (a) *Article sets minimum requirements.*

In their interpretation and application, the provisions of this article are intended as the minimum requirements for the promotion of the public health, security, general welfare, and morals.

- (b) *Most restrictive provision governs.*

If any condition or requirement imposed by a provision of this article is either more or less restrictive than a comparable condition or requirement imposed by any other provision of this article or of any other law, rule, or regulation of any kind, including an applicable Urban Renewal Plan, the condition or requirement that is the more restrictive governs.

§ 1-207. Gender.

Words denoting one gender apply to the other genders as well.

§ 1-208. Table of Uses.

The Table of Uses accompanying this article:

- (1) is for convenience of reference only, intended as a guide to this article; and

(2) is not law and is not to be taken as affecting the meaning or effect of the law.

§§ 1-209 to 1-210. {Reserved}

§ 1-211. Mandatory, prohibitory, and permissive terms.

(a) *Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

“Must not”, “may not”, and “no ... may” are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

“May” is permissive.

§ 1-212. Number.

The singular includes the plural and vice versa.

§ 1-213. {Reserved}

§ 1-214. References to other laws.

Whenever a provision of this article refers to any part of the City Code or to any other law, the reference applies to any subsequent amendment of the law referred to, unless the referring provision expressly provides otherwise.

§ 1-215. Revisor’s Notes.

The Revisor’s Notes following the various sections and subsections, including the accompanying lists of defined terms:

- (1) are for convenience of reference only, intended to identify the sources of these provisions and highlight changes made to those sources; and
- (2) are not law and are not to be taken as affecting the meaning or effect of the law.

§ 1-216. Severability.

(a) *In general.*

Except as specified in subsection (b) of this section:
(1) all provisions of this article are severable; and

- (2) if a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstances is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

(b) *Exceptions.*

Subsection (a) of this section does not apply:

- (1) to the extent that a statute specifically provides otherwise; or
- (2) if the court finds that the remaining provisions alone are incomplete and incapable of being executed in accordance with the legislative intent.

§ 1-217. Time computations.

(a) *Computation of time after an act, event, or default.*

- (1) In computing any period of time prescribed by this article, the day of the act, event, or default after which the designated period of time begins to run is not included.
- (2) If the period of time allowed is more than 7 days, intermediate Saturdays, Sundays, and legal holidays are counted.
- (3) If the period of time allowed is 7 days or less, intermediate Saturdays, Sundays, and legal holidays are not counted.
- (4) The last day of the period so computed is included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

(b) *Computation of time before a day, act, or event.*

- (1) In determining the latest day for performing an act that is required by this article to be performed a prescribed number of days before a certain day, act, or event, all days preceding that day, including intervening Saturdays, Sundays, and legal holidays, are counted in the number of days so prescribed.
- (2) The latest day is included in the determination unless it is a Saturday, Sunday, or legal holiday, in which event the latest day is the first preceding day that is not a Saturday, Sunday, or legal holiday.

§ 1-218. “Used” or “occupied”.

Whenever the word “used” or “occupied” is used, it is to be construed as though followed by the phrase “or arranged, intended, or designed to be used/occupied”.

SUBTITLE 3. MEASUREMENTS AND COMPUTATIONS

§ 1-301. In general.

In taking measurements and making computations under this article, the following rules apply.

§ 1-302. Floor area, for determining floor area ratio.

(a) In general.

For determining floor area ratio, the floor area of a structure is the sum of the area of all floors of the structure, measured from the outside faces of exterior walls or from the centerlines of party walls.

(b) Floor areas included.

Floor areas devoted to the following uses are included in the computation:

- (1) the basement;
- (2) storage space;
- (3) elevator shafts and interior stairwells;
- (4) lobbies and common corridors;
- (5) except for those located on roofs, mechanical equipment (such as bulkheads and cooling towers), whether open or enclosed;
- (6) interior balconies and mezzanines;
- (7) penthouses;
- (8) attic space having a head room of 8 feet or more;
- (9) enclosed porches; and
- (10) accessory uses.

(c) Space excluded.

Space permanently devoted to off-street parking or loading facilities is not included in the computation.

§ 1-303. Floor area ratio.

(a) Determination.

The floor area ratio ("FAR") of a structure on a lot is determined by dividing the total floor area

within the structure by the area of the lot.

(b) *Application.*

The FAR designated for a district, when multiplied by the lot area in square feet, determines the maximum permissible floor area for the principal structure and all accessory structures on the lot.

§ 1-304. Gross floor area.

For determining the maximum gross floor area for certain uses, the gross floor area is the sum of the area of each floor or part of a floor that is devoted to the use in question, excluding space permanently devoted to off-street parking or loading facilities.

§ 1-305. {Reserved}

§ 1-306. Distances.

Unless otherwise specified, all distances are measured horizontally.

§ 1-307. Building heights.

For purposes of determining compliance with height limitations, the height of a building is determined by measuring the vertical distance:

(1) from:

(i) the mean curb level; or

(ii) if the walls of a building are not adjacent to a street curb, the average elevation of the ground adjoining the walls;

(2) to:

(i) in the case of flat roofs, the highest point of the roof adjacent to the street wall; or

(ii) in the case of pitched roofs, the mean height level of the roof.

ZONING

SUBTITLE 4. PURPOSES; SHORT TITLE

§ 1-401. Purposes of article.

This article is intended to serve the following purposes:

- (1) to lessen congestion in the streets;
- (2) to secure safety from fire, panic, and other dangers;
- (3) to promote health and the general welfare;
- (4) to provide adequate light and air;
- (5) to prevent the overcrowding of land;
- (6) to avoid undue concentration of population;
- (7) to facilitate adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- (8) to conserve the value of buildings and other structures;
- (9) to encourage the most appropriate use of land throughout the City; and
- (10) to divide the City into zoning districts of the character, number, shape, and area best suited to effect these purposes.

§ 1-402. Short title.

This article, together with the zoning maps adopted under it, may be cited as the “Zoning Code of Baltimore City”.